



**PREPROPOSAL STATEMENT OF INQUIRY
(RCW 34.05.310)**

CR-101 (7/10/97)

Do NOT use for expedited repeal or adoption

Agency: Department of Labor and Industries

Subject of possible rule making: Chapter 296-800 WAC, Safety and Health Core Rules, Chapter 296-307 WAC, Safety Standards for Agriculture, Chapter 296-45 WAC, Safety Standards for Electrical Workers, Chapter 296-78 WAC, Safety Standards for Sawmills and Woodworking Operations, Chapter 296-155 WAC, Safety Standards for Construction Work, Chapter 296-305 WAC, Safety Standards for Fire Fighters.

(a) Statutes authorizing the agency to adopt rules on this subject:

RCW 49.17.010, RCW 49.17.040, RCW 49.17.050, RCW 49.17.060

(b) Reasons why rules on this subject may be needed and what they might accomplish:

In *Dep't of Labor & Indus. v. Nat'l Sec. Consultants*, the Division II Court of Appeals determined that WISHA first-aid rules in chapter 296-800 WAC, Safety and Health Core Rules do not apply to employers with fewer than 50 employees. However, exempting employers with less than 50 employees from the first-aid training requirements would result in the department being less effective than OSHA. RCW 49.17.050(2) requires that WISHA adopt rules that are at least as effective as OSHA rules. The department plans to repeal the current first-aid rules in the Core Rules and the Agriculture standards and adopt a rule in each that references the OSHA first-aid rule.

(c) Identify other federal and state agencies that regulate this subject and the process coordinating the rule with these agencies:

No other state or federal agencies, other than the Occupational Safety and Health Administration (OSHA) are known that regulate this subject. The Washington Industrial Safety and Health Act's (WISHA) rules are required to be at least as effective as OSHA's rules.

(d) Process for developing new rule (check all that apply):

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Negotiated rule making

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Pilot rule making

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Agency study

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Other (describe)

Parties interested in the formulation of these rules for proposal may contact the individual listed below. The public may also participate by commenting after amendments are proposed by providing written comments or giving oral testimony during the public hearing process.

(e) How interested parties can participate in the decision to adopt the new rule and formulation of the proposed rule before publication:

Cindy Ireland, Regulations Analyst, Phone: (360) 902-5522 Fax: (360) 902-5529

Department of Labor and Industries

WISHA Services Division

P.O. Box 44620

Olympia, WA 98504-4620

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NAME (TYPE OR PRINT)

Paul Trause

SIGNATURE

TITLE

Director

DATE

October 21, 2003

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